

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GEORGE GRAHAM CHOATE,

Plaintiff,

v.

KINGS COUNTY SUPERIOR COURT, et al.,

Defendants.

Case No. 1:24-cv-00570-KES-SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION

Docs. 1, 8, 10

Plaintiff George Graham Choate, a prisoner proceeding pro se and in forma pauperis, initiated this civil rights action pursuant to 42 U.S.C. § 1983 against defendants Kings County Superior Court and Kings County Superior Court Judge “Fandy” Edwards on May 13, 2024. Doc. 1. Plaintiff was sentenced to six years and eight months in prison on June 17, 2022. *Id.* at 3. He asserts that he was sentenced to four years for one of his charges but recently discovered that the charge may only carry a penalty of sixteen months, two years, or three years. *Id.* In his complaint, he “seek[s] monetary compensation for mental stress, loss of employment and unright[e]ous punishment” for the additional time spent in prison, but not immediate or speedier release. *Id.* at 6.

On May 23, 2024, the assigned magistrate judge issued findings and recommendations, recommending that this action be dismissed for failure to state a cognizable claim under 42 U.S.C.

§ 1983 and for seeking monetary relief from defendants who are immune from such relief. Doc. 8. Specifically, the findings and recommendations note that “a § 1983 action is a proper remedy for a state prisoner who is making a constitutional challenge to the conditions of his prison life, but not to the fact or length of his custody,” and “to the extent [p]laintiff is challenging the validity of his conviction or duration of his confinement, ‘[h]e must seek federal habeas corpus relief (or appropriate state relief) instead.’” *Id.* at 3 (citations omitted). The findings and recommendations further explain that “[t]he fact [p]laintiff requests [monetary] damages as opposed to seeking immediate or more speedy release does not cure his claim,” given that *Heck v. Humphrey*, 512 U.S. 477 (1994) requires plaintiff to show that his conviction has been reversed, expunged, invalidated, or called into question by a habeas proceeding before he can seek monetary damages for unconstitutional confinement under § 1983. *Id.* at 3-4. Moreover, the findings and recommendations note that the defendants that plaintiff names – Kings County Superior Court and Kings County Superior Court Judge Edwards – are immune from suit. *Id.* at 4. The findings and recommendations find that Kings County Superior Court, as an arm of the state, is immune from suit under the Eleventh Amendment, and Judge Edwards is immune from suit for all official judicial acts, such as sentencing. *Id.* at 4-5. The magistrate judge recommends dismissing this action without leave to amend given that the only defendants that plaintiff names are immune from suit, which ultimately renders amendment of plaintiff’s claims futile as against these two defendants.

The findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. *Id.* at 6. On June 3, 2024, Plaintiff filed objections. Doc. 10.

In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court has conducted a *de novo* review of this case. Plaintiff’s objections do not cure the deficiencies with the complaint that the magistrate judge identified. A plaintiff must assert a claim for release from custody under the habeas corpus statutes, after appropriately exhausting state remedies. *See Wilkinson v. Dotson*, 544 U.S. 74, 78 (2005) (“This Court has held that a prisoner in state custody cannot use a § 1983 action to challenge the fact or duration of his confinement. He must seek federal habeas corpus relief (or

appropriate state relief) instead.” (cleaned up)); *see also Bradford v. New Mexico*, 2012 WL 4962941 (D.N.M. Sept. 29, 2012) (holding that prisoner must bring claim for release pursuant to habeas corpus statutes, and if successful, may bring § 1983 claim for damages). Further, plaintiff cannot seek § 1983 relief for damages unless he can plead that his conviction or sentence has been invalidated, and the only two named defendants in this action are immune from suit.

Having carefully reviewed the entire file, including plaintiff’s objections, the Court concludes that the findings and recommendations are supported by the record and by proper analysis. Plaintiff’s complaint is dismissed without leave to amend for the reasons set forth in the findings and recommendations. This dismissal is without prejudice to plaintiff asserting a federal habeas claim after timely exhausting state remedies. Furthermore, if plaintiff subsequently successfully challenges his state sentence, this dismissal is without prejudice to plaintiff timely pursuing claims under § 1983, if any, for damages against any appropriate defendants.

Accordingly,

1. The findings and recommendations issued on May 23, 2024, Doc. 8, are ADOPTED as noted above;
2. This action is DISMISSED; and
3. The Clerk of the Court is DIRECTED to close this case.

IT IS SO ORDERED.

Dated: October 31, 2024


UNITED STATES DISTRICT JUDGE